

REMARKS

Claims 25 and 28-45 are pending in the application for the Examiner's review and consideration. Claim 25 has been amended to incorporate the subject matter of Claim 28 and Claim 28 has been amended to include subject matter deleted from Claim 25.

First Rejection Moot

Claims 25, 29, 33-34, 37-38 and 42-45 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,685,942 ("Ishii") in view of U.S. Patent No. 5,772,771 ("Li"). This rejection is moot in view of the amendment of Claim 25 to include the subject matter of Claim 28.

Second Rejection Moot - McMillin Disqualified as Prior Art

Claims 28, 30-32, 35-36 and 39-40 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ishii and Li in view of U.S. Patent No. 6,013,155 ("McMillin"). McMillin, however, is not available under 35 USC §103(c) because McMillin is assigned to Lam Research Corporation and the inventors of the present application were under an obligation to assign all rights in the presently claimed invention to Lam Research Corporation at the time the claimed invention was made.

Third Rejection - Moot

Claim 41 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ishii in view of U.S. Patent No. 5,734,143 ("Kawase"). Claim 41 depends from Claim 25 which has been amended to include the subject matter of Claim 28. As Claim 28 was only rejected over Ishii in view of Li and McMillin and McMillin has been disqualified as prior art, this ground of rejection is moot.

Application No. 09/788,365
Attorney's Docket No. 015290-517
Page 8

In view of the foregoing, it is submitted that the present application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

Peter K. Skiff
Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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